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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/015,235	12/13/2001	Timothy Alan Dietz	AUS920010924US1	6288

39698 7590 09/05/2006

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EXAMINER	
PILLAI, NAMITHA	
ART UNIT	**PAPER NUMBER**
2173	

DATE MAILED: 09/05/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/015,235	DIETZ ET AL.	
	Examiner	Art Unit	
	Namitha Pillai	2173	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *08 May 2006*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-42* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-6,9-27 and 30-42* is/are rejected.

7)☒ Claim(s) *7, 8, 28 and 29* is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Response to Appeal Brief

1. The Examiner acknowledges Applicant's submission on 5/8/06. The arguments presented in the Appeal Brief concerning the conversion process and display of control for indicating a desired format are persuasive. Claims 1-6, 9-27 and 30-42 are rejected as being obvious over prior arts. Claims 7, 8, 28 and 29 contain allowable subject matter.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 3 and 24 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claims 3 and 24 refer to a "***media***" but it is no clear whether this media refers to the "***streaming media data***" or the "***storage media***" referred to in independent claims 1 and 22, from which claims 3 and 24 depend on.

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

3. Claims 41-42 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. The computer readable medium of claims 41 and 42 must be clearly defined to ensure that the computer readable medium is a

physical structure which permits the functionality to be realized with the computer and which cannot be interpreted as a signal.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. Claims 1-6, 9-27 and 30-42 are rejected under 35 U.S.C. 103(a) as being unpatentable over U. S. Patent No. 6,012,086 (Lowell) and International Publication Number WO 01/50226 A2 (Braun et al.), herein referred to as Braun.

Referring to claims 1, 22 and 41, Lowell discloses a data processing system for managing streaming media data (column 2, lines 49-51). Lowell discloses presenting a graphical user interface having a set of controls for use in managing a media data stream (Figure 3). Lowell discloses receiving user input for use in managing the media data stream, wherein the user input includes an identification of a source of the media data stream and start time (column 6, lines 22-46). Lowell also discloses requesting the media data stream using the start time and the identification the source (column 6, lines 25-34). Lowell also discloses storing the formatted media data stream on a storage media (column 6, lines 64-66). Lowell discloses the importance of the format of the data stream and user transforming the format of the media data (column 10, lines 1-3) that is recorded but does not disclose the user inputting a desired format. Lowell discloses converting the media data (column 8, lines 35-50) but does not disclose

details related to the converting of the media data into a desired format to form a formatted media data stream. Braun discloses recording media data including teaching the formatting of media data into a viewable desired format that results in a formatted media data stream (page 2, lines 1-25). It would have been obvious for one skilled in the art at the time of the invention to learn from Braun to convert the media data into a desired format of a formatted media data stream. Lowell has clearly pointed out that the input fields displayed could be of various types requiring the input of various types of data, which includes a desired format (column 7, lines 1-3). Lowell further points out that the user may have the option to choose or change the format of the media data therefore making the display of a desired format input field an obvious teaching when recording and playing back media data (column 10, lines 1-3). Furthermore, Lowell has disclosed a conversion process occurring to convert the media data (column 9, lines 40-50) with Braun clearly teaching how conversion occurs in order to generate a viewable format in a desired format of media data stream, and with Braun disclosing this conversion process as a common and necessary process for viewing formatted media stream data (page 2, lines 1-25). Braun discloses the various types of formatted media stream data that can be generated (page 1, lines 15-17). Therefore, it would have been obvious to one skilled in the art, at the time of the invention to display an input field for a desired format and to learn from Braun to convert media data in order to generate a viewable format including a desired format of media data stream.

Referring to claims 2 and 23, Lowell discloses that the user input includes an identification location of the media (column 6, lines 23-26).

Referring to claims 3, 18, 24 and 39, Lowell discloses that the media is at least one of a hard disk drive, recordable compact disc, re-writable compact disc, floppy disk, memory stick and a flash memory (column 6, lines 63-67, column 7, lines 1-5 and column 9, lines 19-25).

Referring to claims 4 and 25, Lowell discloses that the identification of the source is a universal resource locator (column 6, lines 23-24).

Referring to claims 5 and 26, Lowell discloses that the user input includes user identification and a password (column 5, lines 45-46).

Referring to claims 6 and 27, Lowell discloses that the requesting step includes using the user identification and the password to request the media data stream (column 5, lines 31-46).

Referring to claims 9 and 30, Lowell discloses that the viewable format is a format displayable by an operating system in the data processing system (column 2, lines 60-67).

Referring to claims 10 and 31, Lowell discloses that the desired format is an audio format and the media data stream includes video and audio and converting only audio portions of the media data stream into the audio format (column 5, lines 22-30), wherein Lowell discloses the media data stream containing both audio and video data but formatting done appropriately for the radio in Figure 3 to play the audio format, wherein clearly this radio is only capable of playing the audio data and hence would only covert the audio data.

Referring to claims 11 and 32, Lowell discloses wherein the audio format is a Moving Pictures Expert Group audio layer 3 format (column 9, lines 40-50).

Referring to claims 12 and 33, Lowell discloses that the media is a live broadcast of an event (column 5, lines 14-15).

Referring to claims 13 and 34, Lowell discloses that the set of controls includes a play button, record button, a fast forward button, and a rewind button (Figure 3).

Referring to claims 14 and 35, Lowell discloses that the user input is received in at least one input screen (Figure 4).

Referring to claims 15 and 36, Lowell and Braun discloses that the user input field would be of varying types including format data and input of desired format of the media stream data, this being an obvious feature as Lowell has described that the input fields could hold any type of data which would include format data (column 7, lines 8-10).

Referring to claims 16 and 37, Lowell discloses that the graphical user interface further includes a control to select a location to store the media data stream (column 6, lines 63-66).

Referring to claims 17, 38 and 42, Lowell discloses a data processing system for managing streaming media data (column 2, lines 49-51). Lowell discloses presenting a graphical user interface having a set of controls for use in managing a media data stream (Figure 3). Lowell discloses controls for use in managing a media data stream, wherein the set of controls includes a second control used to select location to store the media data stream (column 6, lines 23-25 and lines 63-66). Lowell also discloses

receiving user input selecting the location (column 6, lines 23-25 and lines 63-66). Lowell discloses responsive to receiving the media data stream, converting the media data stream into the format (column 9, lines 35-50). Lowell discloses storing the formatted media data stream in the location (column 6, lines 63-66). Lowell discloses the importance of the format of the data stream and user transforming the format of the media data (column 10, lines 1-3) that is recorded but does not disclose the user inputting a desired format. Lowell discloses converting the media data (column 8, lines 35-50) but does not disclose details related to the converting of the media data into a desired format to form a formatted media data stream. Braun discloses recording media data including teaching the formatting of media data into a viewable desired format that results in a formatted media data stream (page 2, lines 1-25). It would have been obvious for one skilled in the art at the time of the invention to learn from Braun to convert the media data into a desired format of a formatted media data stream. Lowell has clearly pointed out that the input fields displayed could be of various types requiring the input of various types of data, which includes a desired format (column 7, lines 1-3). Lowell further points out that the user may have the option to choose or change the format of the media data therefore making the display of a desired format input field an obvious teaching when recording and playing back media data (column 10, lines 1-3). Furthermore, Lowell has disclosed a conversion process occurring to convert the media data (column 9, lines 40-50) with Braun clearly teaching how conversion occurs in order to generate a viewable format in a desired format of media data stream, and with Braun disclosing this conversion process as a common and necessary process for viewing

formatted media stream data (page 2, lines 1-25). Braun discloses the various types of formatted media stream data that can be generated (page 1, lines 15-17). Therefore, it would have been obvious to one skilled in the art, at the time of the invention to display an input field for a desired format and to learn from Braun to convert media data in order to generate a viewable format including a desired format of media data stream.

Referring to claims 19 and 40, Lowell discloses that the format is MPEG or MP3 (column 9, lines 41-45).

Referring to claim 20, Lowell discloses a data processing system for managing streaming media data (column 2, lines 49-51). Lowell discloses a bus system, a communications unit connected to the bus system, a memory connected to the bus system, wherein the memory includes a set of instructions and a processing unit connected to the bus system, wherein the processing unit executes the set of instructions (column 2, lines 60-67 and column 3, lines 1-30). Lowell discloses presenting a graphical user interface having a set of controls for use in managing a media data stream (Figure 3). Lowell discloses receiving user input for use in managing the media data stream, wherein the user input includes an identification of a source of the media data stream and start time (column 6, lines 22-46). Lowell also discloses requesting the media data stream using the start time and the identification the source (column 6, lines 25-34). Lowell discloses responsive to receiving the media data stream, converting the media data stream into the format (column 9, lines 35-50). Lowell also discloses storing the formatted media data stream on a storage media (column 6, lines 64-66). Lowell discloses the importance of the format of the data

stream and user transforming the format of the media data (column 10, lines 1-3) that is recorded but does not disclose the user inputting a desired format. Lowell discloses converting the media data (column 8, lines 35-50) but does not disclose details related to the converting of the media data into a desired format to form a formatted media data stream. Braun discloses recording media data including teaching the formatting of media data into a viewable desired format that results in a formatted media data stream (page 2, lines 1-25). It would have been obvious for one skilled in the art at the time of the invention to learn from Braun to convert the media data into a desired format of a formatted media data stream. Lowell has clearly pointed out that the input fields displayed could be of various types requiring the input of various types of data, which includes a desired format (column 7, lines 1-3). Lowell further points out that the user may have the option to choose or change the format of the media data therefore making the display of a desired format input field an obvious teaching when recording and playing back media data (column 10, lines 1-3). Furthermore, Lowell has disclosed a conversion process occurring to convert the media data (column 9, lines 40-50) with Braun clearly teaching how conversion occurs in order to generate a viewable format in a desired format of media data stream, and with Braun disclosing this conversion process as a common and necessary process for viewing formatted media stream data (page 2, lines 1-25). Braun discloses the various types of formatted media stream data that can be generated (page 1, lines 15-17). Therefore, it would have been obvious to one skilled in the art, at the time of the invention to display an input field for a desired

format and to learn from Braun to convert media data in order to generate a viewable format including a desired format of media data stream.

Referring to claim 21, Lowell discloses a data processing system for managing streaming media data (column 2, lines 49-51). Lowell discloses a bus system, a communications unit connected to the bus system, a memory connected to the bus system, wherein the memory includes a set of instructions and a processing unit connected to the bus system, wherein the processing unit executes the set of instructions (column 2, lines 60-67 and column 3, lines 1-30). Lowell discloses presenting a graphical user interface having a set of controls for use in managing a media data stream (Figure 3). Lowell discloses controls for use in managing a media data stream, wherein the set of controls includes a control used to select location to store the media data stream (column 6, lines 23-25 and lines 63-66). Lowell also discloses receiving user input selecting the location (column 6, lines 23-25 and lines 63-66). Lowell discloses responsive to receiving the media data stream, converting the media data stream into a format (column 9, lines 35-50). Lowell discloses storing the formatted media data stream in the location (column 6, lines 63-66). Lowell discloses the importance of the format of the data stream and user transforming the format of the media data (column 10, lines 1-3) that is recorded but does not disclose the user inputting a desired format. Lowell discloses converting the media data (column 8, lines 35-50) but does not disclose details related to the converting of the media data into a desired format to form a formatted media data stream. Braun discloses recording media data including teaching the formatting of media data into a viewable desired

format that results in a formatted media data stream (page 2, lines 1-25). It would have been obvious for one skilled in the art at the time of the invention to learn from Braun to convert the media data into a desired format of a formatted media data stream. Lowell has clearly pointed out that the input fields displayed could be of various types requiring the input of various types of data, which includes a desired format (column 7, lines 1-3). Lowell further points out that the user may have the option to choose or change the format of the media data therefore making the display of a desired format input field an obvious teaching when recording and playing back media data (column 10, lines 1-3). Furthermore, Lowell has disclosed a conversion process occurring to convert the media data (column 9, lines 40-50) with Braun clearly teaching how conversion occurs in order to generate a viewable format in a desired format of media data stream, and with Braun disclosing this conversion process as a common and necessary process for viewing formatted media stream data (page 2, lines 1-25). Braun discloses the various types of formatted media stream data that can be generated (page 1, lines 15-17). Therefore, it would have been obvious to one skilled in the art, at the time of the invention to display an input field for a desired format and to learn from Braun to convert media data in order to generate a viewable format including a desired format of media data stream.

Response to Arguments

5. Applicant's arguments, filed 5/8/06, with respect to the rejection(s) of claim(s) 1-42 under 35 U.S.C. 102(b) as being anticipated by Lowell have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection of claims 1-6, 9-27 and 30-42 is

made in view of Lowell and Braun and in view of features that are taught as being obvious in Lowell.

Allowable Subject Matter

6. Claims 7, 8, 28 and 29 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

7. The following is a statement of reasons for the indication of allowable subject matter: With respect to claims 7 and 28, the combination of Lowell and Braun disclose conversion processes that occur to convert from one data format to another. The conversion process includes decompression taught in Lowell, converting to a distinct format of the media data stream taught in Lowell and Braun and converting into a viewable format of the media data stream taught in Braun. Both Braun and Lowell combined do not teach a two step process including first identifying an initial format of the media data stream, converting to a viewable format, then further converting this viewable format into a desired format of the media data stream. The claims 7 and 28 disclose that this two step conversion process occurs in an environment where media data stream is recorded for playback, where the conversion of the media data stream of this recording environment allows for the two step conversion process, where the previously disclosed media recording environments teach only a one step conversion process.

Since claims 8 and 29 depend on claims 7 and 28 and include all of the limitations of these claims, claims 8 and 29 are considered to have allowable subject matter for the reasons in which claims 8 and 29 have allowable subject matter.

Conclusion

8. The prior art made of record on form PTO-892 and not relied upon is considered pertinent to applicant's disclosure. Applicant is required under 37 C.F.R. § 1.111(c) to consider these references fully when responding to this action. The documents cited therein teach the method for managing media data streams.

Responses to this action should be submitted as per the options cited below: The United States Patent and Trademark Office requires most patent related correspondence to be: a) faxed to the Central Fax number (571-273-8300) b) hand carried or delivered to the Customer Service Window (located at the Randolph Building, 401 Dulany Street, Alexandria, VA 22314), c) mailed to the mailing address set forth in 37 CFR 1.1 (e.g., P.O. Box 1450, Alexandria, VA 22313-1450), or d) transmitted to the Office using the Office's Electronic Filing System.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Namitha Pillai whose telephone number is (571) 272-4054. The examiner can normally be reached on 8:30 AM - 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kristine Kincaid can be reached on (571) 272-4063.

All Internet e-mail communications will be made of record in the application file. PTO employees do not engage in Internet communications where there exists a

possibility that sensitive information could be identified or exchanged unless the record includes a properly signed express waiver of the confidentiality requirements of 35 U.S.C. 122. This is more clearly set forth in the Interim Internet Usage Policy published in the Official Gazette of the Patent and Trademark on February 25, 1997 at 1195 OG 89.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (571) 272-2100.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Namitha Pillai
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Art Unit 2173
August 3, 2006

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